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Datasheet for the decision of 12 March 2015

Case Number: T 1339/09 - 3.5.07

Application Number: 02017776.2

Publication Number: 1389763

IPC: G06F17/30

Language of the proceedings: EN

Title of invention:
Computer based presentation system

Applicant:
SAP SE

Headword:
Presentation system/SAP

Relevant legal provisions:
EPC Art. 56, 111(1)
EPC R. 103(1)(a)
RPBA Art. 11

Keyword:
Inventive step - (no)
Reimbursement of appeal fee - (no)

Decisions cited:

Catchword:

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Case Number: T 1339/09 - 3.5.07

D E C I S I O N
of Technical Board of Appeal 3.5.07
of 12 March 2015

Appellant: (Applicant)	SAP SE Dietmar-Hopp-Allee 16 69190 Walldorf (DE)
Representative:	Müller-Boré & Partner Patentanwälte PartG mbB Friedenheimer Brücke 21 80639 München (DE)
Decision under appeal:	**Decision of the Examining Division of the European Patent Office posted on 23 December 2008 refusing European patent application No. 02017776.2 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman	R. Moufang
Members:	P. San-Bento Furtado
	M. Rognoni

Summary of Facts and Submissions

I. The appeal lies from the decision of the Examining Division to refuse European patent application No. 02017776.2 by a "decision according to the state of the file", using EPO Form 2061 and referring to the communication dated 19 July 2007 (hereinafter referred to as C1), the communication of 8 October 2008 accompanying the summons to oral proceedings (C2) and the communication sent per fax on 16 December 2008 (C3).

II. The following documents were cited in the examination proceedings:

D1: EP-A-1 164 502 (Outlooksoft Corp.), 19 December 2001;

D2: EP-A-1 077 420 (Lucent Technologies Inc.), 21 February 2001;

D3: Myers B. A., "Using Handhelds and PCs Together", Communications of the ACM, Vol. 44, No. 11, November 2001, pages 34 to 41;

D4: Sennewald B. et al., "Office XP", Markt und Technik Verlag, 2001, pages i-iii, 872, 900 to 906, 909 to 912, 921 to 925.

III. Communication C1 states that the examination was carried out on the originally filed claims 1 to 14. The first examiner raised objections under Article 54 EPC against the originally filed independent claims. In reply to this communication the applicant submitted a new set of claims 1 to 12.

The annex to the summons C2 raised objections of lack of inventive step against claims 1 to 12, giving a detailed argumentation for claim 1. Document D1 was considered to be the closest prior-art. The Examining

Division was of the opinion that the claimed invention included some non-technical aspects. Following the summons to oral proceedings the applicant submitted per fax a main request including claims 1 to 14, and first to third auxiliary requests including claims 1 to 14, 1 to 12 and 1 to 9, respectively.

Communication C3 listed the requests on file submitted with the previous letter. In this communication the Examining Division introduced prior-art documents D3 and D4 into the proceedings. Claims 1 of the main, first and second auxiliary requests, and claims 2 to 12 of the second auxiliary request were not considered to be inventive over the prior-art of D1. Claim 1 of the third auxiliary request was found to lack inventive step over D1 in combination with D3. Furthermore, the subject-matter of claim 1 of each of the requests was considered not inventive in the light of document D4 in combination with document D3. With the letter of 18 December 2008 the applicant indicated that it would not be attending the oral proceedings and requested a decision according to the state of the file.

In reaction to the appellant's letter the Examining Division cancelled the oral proceedings and issued the decision according to the state of the file.

IV. In the statement of grounds of appeal, the appellant requested that the decision be set aside and that a patent be granted on the basis of the main request or one of the two auxiliary requests, all filed with the statement of grounds of appeal.

V. The Board summoned the appellant to oral proceedings. In a subsequent communication sent in advance of the

oral proceedings, the Board gave its preliminary opinion on the case.

The Board identified some possible procedural deficiencies. Communications C1 to C3 cited in the decision raised different objections against different claim versions. The objection of lack of novelty in communication C1 no longer applied to the most recently submitted requests on which the decision should have been based. Communication C3 stated that the second auxiliary request including twelve claims was identical to the former request which was described in communication C2 as including 14 claims. Further, the Examining Division had not commented on the applicant's request that the proceedings be suspended pending the outcome of referral G 3/08 dated 22 October 2008 (leading to opinion G 3/08 of 12 May 2010, OJ EPO 2011, 10), even though this request was still pending and up-to-date. It was not clear whether the decision met the requirements of Rule 111(2) and Article 113(1) EPC.

The Board explained that it was nonetheless not inclined to remit the case to the department of first instance due to the long duration of the grant proceedings and because it was in a position to deal with the merits of the case. The Board found that each of the requests appeared to lack clarity and to contain added subject-matter. Furthermore, none of the requests seemed to claim inventive subject-matter.

VI. With a letter of reply the appellant informed the Board of its intention not to attend the oral proceedings. It withdrew the request for oral proceedings and requested a decision according to the state of the file. The appellant further asked for a reimbursement of the appeal fee, arguing that it was justified due to the

procedural deficiencies which had occurred before the first instance.

VII. Oral proceedings were held on 12 March 2015 in the absence of the appellant. At the end of the oral proceedings, the chairman pronounced the Board's decision.

VIII. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the main request or, alternatively, on the basis of one of the first or second auxiliary requests, all three requests having been filed with the grounds of appeal of 16 April 2009. The appellant also requested reimbursement of the appeal fee.

IX. Claim 1 of the main request reads as follows:

"A method (400) for operating a computer (900) with an application (200), wherein the application (200) processes (430) a data set (300) to a presentation (503), the method (400) characterized in that

the computer (900) first displays a substantially empty input view (501),

then a controller receives (410) an activation trigger (105) from a user (1000) and subsequently reads (420) the data set (300) from an intermediate storage (102),

thereafter the computer displays a filled input view (502) filled with the received data set (300), wherein the received data (300) is a predefined data set, and then

the computer displays a presentation (503) with processed data."

X. Claim 1 of the first auxiliary request reads:

"A method (400) for operating a computer (900) with an application (200), wherein the application (200) processes (430) a data set (300) to a presentation (503), the method (400) characterized in that

the computer (900) first displays a substantially empty input view (501) at a first point in time (T1),

a controller then receives (410) an activation trigger (105) from a user (1000) and subsequently reads (420) the data set (300) from an intermediate storage (102),

thereafter the computer (900) displays a filled input view (502) filled with the received data set (300) at a second point in time (T2), wherein the received data (300) is a predefined data set, and then

the computer (900) displays a presentation (503) with processed data at a third point in time (T3),

wherein a receiving period (T12) between the first point in time (T1) and the second point in time (T2) is minimized since the data set (300) is predefined and

wherein a processing period (T23) is precise to enable an authentic processing impression of the application (200)."

XI. Claim 1 of the second auxiliary request differs from claim 1 of the first auxiliary request in that the following text has been added to the end of the claim:

", and wherein a data set (300) is selected from a plurality of predefined data sets (A, B) symbolized by icons, wherein the controller (101) provides these data sets independently from the application (200)."

Reasons for the Decision

1. The appeal complies with the provisions referred to in Rule 101 EPC and is therefore admissible.

The invention

2. The application relates to improved computer-based presentation.

The invention described in the application comprises a computer running a presentation application, a control device and a screen to display the presentation (see paragraph 18 and Figure 1 of the application as filed). The control device can be for example a keyboard or a remote control device with radio or infra-red link (paragraph 23). The screen may be a display or a projector (paragraph 22).

The presentation application processes a data set (e.g. a company name) to a presentation displaying processed data (e. g. bar charts). In some embodiments the data set is pre-stored (paragraphs 19 and 26).

A controller in the computer receives an activation trigger from the user, via the control device, and causes the presentation application to read the data set from intermediate storage, process it and display the presentation with the processed data (paragraph 20).

Since the data sets are pre-stored, the presenter does not have to type data and is free to walk while doing the presentation if he uses a remote control device. Another advantage of the invention is that members of the audience can also choose data sets, as it is

possible to pass the remote control device to them or to use more than one control device (paragraph 35).

Procedural deficiencies

3. In its communication the Board informed the appellant that the decision appeared to have some deficiencies but that the Board, exercising its power under Article 111(1) EPC, was not inclined to remit the case to the department of first instance, because it wanted to expedite the proceedings and was in a position to deal with the merits of the case. A further reason was that the appellant had not mentioned any of the procedural issues. Moreover, the request for suspending the proceedings was moot and the Board was of the preliminary opinion that none of the requests was allowable (see also section V above).

3.1 In its reply to the Board's communication the appellant did not object to the further prosecution of the case by the Board.

3.2 In the Board's opinion, the circumstances of the present case mentioned in the preceding points constitute "special reasons" within the meaning of Article 11 RPBA for not remitting the case to the department of first instance.

3.3 In view of the foregoing the Board decided not to remit the case and to deal with its merits (Article 111(1) EPC). The question whether the deficiencies mentioned in the communication of the Board and summarised in section V above amount to a procedural violation, or to fundamental deficiencies within the meaning of Article 11 RPBA, does not have to be answered (see also point 11 below).

Main request

4. Claim 1 of the main request defines a method for operating a computer with an application, wherein the application processes a data set to a presentation. It specifies that the following steps are performed in sequence
   - the computer displays a substantially empty input view,
   - a controller receives an activation trigger from a user and reads the data set from an intermediate storage,
   - the computer displays a filled input view filled with the received data set, wherein the received data is a predefined data set, and
   - the computer displays a presentation with processed data.

4.1 Taking into account the description, the Board interprets the "received data set" as the data set, for example a company name, read in reaction to the activation trigger. The feature "the received data is a a predefined data set" encompasses "the data set is pre-recorded" (see e.g. paragraph 26). The "processed data" is the data (e.g. bar charts) obtained by the presentation application ("application (200)" in the claim) after processing the data set. Even though it is not explicitly mentioned in the application, the Board assumes that the processed data may be for instance the bar charts corresponding to the company identified by the company name in the data set.

5. The Board notes that claim 1 does not define the control device and only specifies the method performed at the computer. It describes the invention in such

vague and broad terms that its subject-matter is obvious over a method for operating a computer using the well-known PowerPoint application with the functionality described in document D4.

5.1 As mentioned in communication C3 by the Examining Division, PowerPoint supports linking and embedding of an object in a presentation corresponding to data which may be stored separately, for example a video, a hyperlink, a file, Excel data or a diagram (see pages 900, 903-905 and 910 of document D4). Such objects are automatically and dynamically updated (page 903, first paragraph; page 910, passage "so wird eine dynamische Anpassung der Daten automatisiert:"). An activation trigger from a user, for example a mouse click to show the next slide or an object, causes the data to be read, processed and displayed (page 900, "Wenn der Film beim Wechsel zu dieser Folie abgespielt werden soll, klicken Sie auf JA."; pages 921 and 922).

5.2 Document D4 therefore discloses an application (PowerPoint) which, upon receipt of an activation trigger by a user, reads and processes a data set, for example a link or an object, to processed data, for example a video (page 900) or data of an Excel file (page 910), and to a presentation with the processed data. The data set can be seen as being predefined or pre-stored, since the object is predefined in the presentation, for example by the link or the file name of the file containing the data (page 903, first four paragraphs). Even though it is not explicitly mentioned in document D4, a system running PowerPoint also includes a controller, because it detects activation triggers from a user.

5.3 Document D4 does not disclose a "substantially empty input view" and a "filled input view". What is "substantially empty" is not defined in the claim and is subjective. Any input view can be seen as empty in comparison to the next (filled) view on which data is presented. PowerPoint offers the necessary functionality to support such features, so that it is trivial to use it to create a presentation including an empty and a filled input view. Any PowerPoint slide accepting input from a user to display an object can be seen as "an empty input view". After the user input the slide is filled with a generated view of the object, corresponding to a "filled input view". Furthermore, it should be noted that the fact that data is displayed in a previously empty view is a non-technical aspect related to presentation of information as such.

5.4 In the statement of grounds of appeal the appellant argued that an empty input view could not be interpreted as an empty slide and even then it was still impossible with PowerPoint to read a predefined data set, and display it in the formerly empty input view. PowerPoint did not provide an empty input view for inputting data and did not fill a slide with data processed by PowerPoint to a presentation upon an activation trigger. Embedding objects or hyperlinks, disclosed in document D4 for PowerPoint, could not be interpreted as the inventive method steps.

The Board disagrees. Since the claim does not define any particular technical features of an input view, any PowerPoint slide can in principle be seen as an input view accepting input to control the transition to the next slide, the display of an object, or other effects (document D4, pages 921 and 922). The Board considers that a linked or embedded object in a PowerPoint

presentation offers the same functionality as that described in the application, including automatic and dynamic updates (page 903, first paragraph; page 910).

5.5 The appellant further argued that the invention, unlike the prior-art, provided dynamic processing of data. It could access a database based on the predefined data set and process the data set using the information of the accessed database to a presentation, like a bar chart, including the latest values in the database.

The Board notes that the claim does not define a real-time presentation of data, since the data according to the claim could have been processed in advance. Additionally, in the opinion of the Board, adding dynamic processing of data to a known presentation system would be obvious. An inventive step could only rely on the implementation, but the claim does not define implementation details. Finally, PowerPoint also provides real-time presentation (for example of a video) and dynamic generation of a view such as a bar chart.

5.6 From the above reasoning, the Board concludes that the subject-matter of claim 1 of the main request does not involve an inventive step (Articles 52(1) and 56 EPC).

First auxiliary request

6. Claim 1 of the first auxiliary request differs from that of the main request in that it additionally defines that the display of an empty input view, of the filled input view and of the presentation with processed data occurs at first, second and third points in time T1, T2 and T3, respectively, and that:

- "a receiving period (T12) between the first point in time (T1) and the second point in time (T2) is minimized since the data set (300) is predefined" and
- "a processing period (T23) is precise to enable an authentic processing impression of the application (200)."

7. The additional features introduce the designations T1, T2 and T3 and describe how long it takes to perform two operations by the method.

The first period is said to be minimised since the data set is predefined. Since document D4 also discloses using predefined data, the same could be said to apply to the method using the system of document D4.

The second period is said to be precise to enable an "authentic processing impression". This feature lacks technical character because it merely relates to the way the data is presented for non-technical subjective reasons, namely, for an "authentic impression". Such a non-technical feature does not contribute to inventive step. For the sake of completeness, the Board notes that it is also possible to set delays for presenting slides and objects in PowerPoint, as disclosed in document D4 (pages 921, 922 and 924).

7.1 The appellant argued with respect to the first auxiliary request that none of the prior-art documents disclosed the additional features. Document D4 did not disclose the feature because it failed to show real-time presentations in the sense of the invention.

On the contrary, the Board finds that PowerPoint as described in document D4 supports real-time

presentations as discussed for the main request (see point 5.5 above).

7.2 The Board therefore concludes that claim 1 of the first auxiliary request does not comply with Articles 52(1) and 56 EPC because it lacks inventive step.

Second auxiliary request

8. Claim 1 of the second auxiliary request includes all the features of claim 1 of the first auxiliary request and, additionally, the features:

"wherein a data set (300) is selected from a plurality of predefined data sets (A, B) symbolized by icons,

wherein the controller (101) provides these data sets independently from the application (200)."

9. Document D4 discloses the possibility of embedding hyperlinks in a presentation, such hyperlinks mapping to a website, a file or a program (pages 901 and 902). This functionality allows the inclusion in a presentation of different links (or data sets) to independent external applications. Symbolising the data sets by icons is a non-technical aspect concerning the presentation of information as such, and is also possible in PowerPoint. Therefore, the added features are not inventive.

9.1 The appellant argued that claim 1 of the second auxiliary request provided a method for real-time presentation of different applications, which reduced and specified the time periods required to present ad hoc different data in a simple manner. None of the prior-art documents disclosed the additional features.

Each of these documents disclosed only one application; in document D4 the only application was PowerPoint.

The Board does not find these arguments convincing. The claimed method does not define a real-time presentation of different applications. Besides, document D4 describes that objects linked or created by different applications, for example Excel or a web browser, could be linked or embedded in a PowerPoint presentation.

9.2 Taking into account the above reasoning, the Board concludes that the subject-matter of claim 1 is not inventive and that the second auxiliary request does not fulfil the requirements of Articles 52(1) and 56 EPC either.

Conclusion on substantive requests

10. Since none of the requests on file is allowable, the appeal is to be dismissed.

Request for reimbursement of the appeal fee

11. Rule 103(1)(a) EPC stipulates that the appeal fee is to be reimbursed where the Board of Appeal deems the appeal to be allowable, if such reimbursement is equitable by reason of a substantial procedural violation. Since in the present case the appeal is not allowed, the request for reimbursement has to be refused (Rule 103(1)(a) EPC).

Order

For these reasons it is decided that:

1. The appeal is dismissed.

2. The request for reimbursement of the appeal fee is refused.

The Registrar: The Chairman:

A. Vottner R. Moufang

Decision electronically authenticated